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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,645

04/05/2005

Johannes Petrus Paulus Tholen

2007-1009

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466 7590 06/27/2008

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EXAMINER

PHASGE, ARUN S

ART UNIT

PAPER NUMBER

1795

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/500,645	<b>Applicant(s)</b> THOLEN, JOHANNES PETRUS PAULUS	
	<b>Examiner</b> Arun S. Phasge	<b>Art Unit</b> 1795	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/2/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota et al. (Hirota), U.S. Patent 6,267,053 in view of Japanese Patent Publication Number JP 40-7068264A Abstract.

Hirota discloses an electrolytic device for disinfecting water in a water supply system by means of the generation of active chlorine, comprising an electrolytic cell provided with electrodes over which a voltage difference is applied, a power source for supplying the voltage difference for the electrolytic cell, a supply pipe for the electrolytic cell that is connected to the water supply system and which guides a part of the water flow in the water system to the electrolytic cell, a discharge pipe for the electrolytic cell that is connected to the water supply system downstream of the location where the

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supply pipe for the electrolytic cell is connected to the water supply system and which discharges the water treated in the electrolytic cell to the water supply system, a salt dosing device containing chloride salt, a supply pipe for the salt dosing device which is connected to the supply pipe for the electrolytic cell and which supplies at least a part of the water in the supply pipe for the electrolytic cell to the salt dosing device for supplying chloride ions to the water to be treated in the electrolytic cell and a discharge pipe for the salt dosing device which is connected to the supply pipe for the electrolytic cell downstream of the location where the supply pipe for the salt dosing device is connected and which guides the water containing chloride ions from the dosing device to the supply pipe for the electrolytic cell, means for regulating the flows of water as claimed by the use of constrictions and/or regulating valves (see figure 1 and col. 13, line 19 to col. 20, line 36). The reference further discloses the reversal of polarity (see col. 21, lines 49-57).

The patent fails to disclose the use of the claimed DC dynamo with blade to produce the voltage as claimed or the placement of the blade within the water supply system.

The Japanese publication is cited to show such as use of the DC dynamo with blade to produce the voltage for an electrolysis cell, in particular the blade is placed within the flow of the water from a source, such as the tap (see abstract). The reference further discloses the use of a membrane to separate the electrodes (see abstract).

Consequently, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disclosure of

the Hirota patent with the teachings of the Japanese abstract, because the Japanese abstract discloses such use of a DC dynamo with the blade to produce the voltage needed to electrolyze water.

Claims 12-17, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota applied as above in view of Middleby, U.S. Patent 5,228,964.

Hirota discloses an electrolytic device for disinfecting water in a water supply system by means of the generation of active chlorine, comprising an electrolytic cell provided with electrodes over which a voltage difference is applied, a power source for supplying the voltage difference for the electrolytic cell, a supply pipe for the electrolytic cell that is connected to the water supply system and which guides a part of the water flow in the water system to the electrolytic cell, a discharge pipe for the electrolytic cell that is connected to the water supply system downstream of the location where the supply pipe for the electrolytic cell is connected to the water supply system and which discharges the water treated in the electrolytic cell to the water supply system, a salt dosing device containing chloride salt, a supply pipe for the salt dosing device which is connected to the supply pipe for the electrolytic cell and which supplies at least a part of the water in the supply pipe for the electrolytic cell to the salt dosing device for supplying chloride ions to the water to be treated in the electrolytic cell and a discharge pipe for the salt dosing device which is connected to the supply pipe for the electrolytic cell downstream of the location where the supply pipe for the salt dosing device is connected and which guides the water containing chloride ions from the dosing device to the supply pipe for the electrolytic cell, means for regulating the flows of water as

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claimed by the use of constrictions and/or regulating valves (see figure 1 and col. 13, line 19 to col. 20, line 36). The reference further discloses the reversal of polarity (see col. 21, lines 49-57).

The patent fails to disclose the use of the claimed DC dynamo with blade to produce the voltage as claimed or the placement of the blade within the water supply system.

The Middleby patent is cited to show such as use of the DC dynamo with blade to produce the voltage for an electrolysis cell, in particular the blade is placed within the flow of the water from a source (see abstract).

Therefore, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disclosure of the Hirota patent with the teachings of the Middleby patent, because the Middleby patent discloses such use of a DC dynamo with the blade to produce the voltage needed to electrolyze water.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun S. Phasge whose telephone number is (571) 272-1345. The examiner can normally be reached on MONDAY-THURSDAY, 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arun S. Phasge/  
Primary Examiner, Art Unit 1795

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